



**Comhairle Contae  
Loch Garman  
Wexford  
County Council**



# **HOUSING ALLOCATION SCHEME 2023**

*Adopted by Wexford Co Council 13<sup>th</sup> March 2023*

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# **PART 1**

## **Purpose of the Scheme**

This Allocation Scheme has been prepared in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and the Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011). The purpose of the Scheme is to:

1. determine the order of priority to be given in the allocation of all housing support to persons whose eligibility and need for accommodation has been established in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009,

and

2. determine the order of priority to be given in the allocation of all housing support to existing tenants of Wexford County Council, including households accommodated under the Rental Accommodation Scheme and Housing Assistance Payment Scheme, and tenants of Approved Housing Body properties in Co Wexford.

The making of an allocation scheme is a reserved function of the Council, but the housing authority must comply with any direction or regulation as may be specified by the Minister in relation to amending an allocation scheme. Each applicant approved for social housing support shall be advised of the Council's allocation scheme

## **Housing Covered by the Scheme**

The types of housing covered by this Scheme include:

1. Properties provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000(as amended) owned by the Council

and

2. Properties not owned by the Council which are provided under contract or lease between the Council and the owner concerned, including rental accommodation availability agreements and leasing.

and

3. Properties owned and provided by Approved Housing Bodies (AHBs) to whom assistance is given under section 6 of the Housing Act 1993 for the purposes of such provision.

### **Assessment of Bedroom Requirements**

The bed need of all applicants will be assessed on the following basis and in accordance with Section 63 of the Housing Act 1966.

<b>Bed Type</b>	<b>Maximum Number of Bed Spaces</b>	<b>Family Composition</b>
<b>1 Bed</b>	<b>1</b>	
		1 Adult/ Couple
<b>2 Bed</b>	<b>4</b>	
		1 Adult & 1 Child
		2 Adults
		1 Adult and Access/ lessor custody to any number of Children
		1 Adult and 2 children (same sex)
		2 Adults and 1 Child
		2 Adults and 2 Children ( same sex)
		3 Adults (1 couple and 1 single)
		1 Adult and live in carer
<b>3 Bed</b>	<b>6</b>	
		1 Adult and 2 Children (different sex)
		1 Adult and 3 Children
		1 Adult and 4 Children
		2 Adults and 2 Children (different sex)
		2 Adults and 3 Children
		2 Adults and 4 Children
		3 Adults
		3 Adults and 1 Child
		3 Adults and 2 Children
		4 Adults
		4 Adults and 1 Child
<b>4 Bed</b>	<b>7</b>	
		1 Adult and 5 Children
		2 Adults and 5 Children
		3 Adults and 4 Children
		4 Adults and 2 Children
<b>5 Bed</b>	<b>9</b>	
		2 Adults and 6 Children

## **Children in Shared Custody/ Access Arrangement**

Wexford County Council will assess separated parents with formal and regular custody/access arrangements and the following applies to assignment of bedroom need:

- Children of parents living apart are recorded in the assessment of each parent but the type and extent of accommodation they require is assessed on the extent to which their need for accommodation is met in the household of the other parent.
- The Council will assign the full bedroom requirements to the parent with whom the children reside for the greater part.
- Applicants with partial custody arrangements or access arrangements to their children for the lesser part shall, on production of relevant documentary evidence, be deemed to have a two-bedroom need.

## **PART 2**

### **The Social Housing Supports List**

Applicants who have been assessed and deemed eligible for Social Housing Support are placed on the Social Housing Supports List. Their time on the list begins from the date on which the Council approved their application for Social Housing Support.

### **Position on the Housing Waiting List**

An applicant's position on the Social Housing Supports List is determined by the length of time the person/household has been on the list. Offers of Social Housing will be made based on the position on the list except in cases where the housing need has been deemed to warrant special priority status.

## Categories of Special Priority

Special priority may be awarded in exceptional circumstances to eligible housing applicants and tenants for the following reasons:

- (a) First priority shall be given to applicants who are living in accommodation that is dangerous or materially unsuitable to such a degree that there is, in the opinion of the Local Authority, a serious and immediate risk to their health and safety by their continued occupation thereof.
- (b) Second priority shall be given to applicants who need alternative accommodation on very serious or exceptional medical grounds including severe physical or mental disability where the allocation of social housing will improve the quality of living of that applicant.
- (c) Third priority shall be given to applicants who are deemed to be homeless under Section 2 of the Housing Act 1988. Normally applicants in this category will be offered accommodation in the homeless facilities in the County while their application for housing is being assessed and will then be accommodated in the private rented sector when approved for re-housing.
- (d) Fourth priority shall be given to applicants who are living in conditions of severe overcrowding
- (e) Fifth priority shall be given to persons who are young persons leaving institutional care and without family accommodation.
- (f) Sixth priority shall be given to persons who are in the opinion of the local authority not reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable affordable alternative accommodation.
- (g) Seventh priority shall be given to persons who are elderly i.e., persons aged 65 and over and who are capable of independent living and who are not eligible under any of the categories listed above.
- (h) Eighth priority shall be given to persons with a disability and who are capable of independent living and are not eligible under any of the categories listed above.

- (i) Ninth priority shall be given to members of the Traveller community who are ineligible under any of the categories listed above.
- (j) Tenth priority shall be given to persons who are sharing accommodation with another person and who in the opinion of the Local Authority have a reasonable requirement for separate accommodation.
- (k) Eleventh priority shall be given to applicants on grounds of insecurity of tenure “Insecurity of Tenure” is defined as an applicant who is residing in private accommodation and who is receiving rent supplement and has been issued with a Notice to Quit by their landlord.

The refusal of one reasonable offer of accommodation by an applicant or tenant awarded special priority status will result in them being considered for allocation in the normal course and without special priority status.

Notwithstanding the above, all households awarded special priority status are subject to the terms of the Councils Anti-Social Behaviour Strategy. No allocations will be made to households awarded special priority status where the Council considers that the household is engaged or has been engaged in anti- social behaviour or where the allocation or nomination is not in the interest of good estate management.

## **PART 3**

### **Emergency accommodation**

Where the need for accommodation of any person arises from an emergency, including homelessness or domestic violence, the Authority may make a letting to that person as it considers necessary, notwithstanding any order or priorities set out in Part 2 of this Allocation Scheme. In dealing with persons who are homeless due regard shall be had to the Regional Homelessness Action Plan adopted by the Local Authorities.

## **Choice Based Letting**

The Council will operate Choice Based Letting (CBL) for designated houses for allocation whereby qualified households or classes of eligible households may apply for tenancies in such designated houses in accordance with the Sections 6 – 11 of the Social Housing Allocations Regulations 2011, and any subsequent regulations specific to CBL.

All of the terms of this allocation scheme shall apply to the letting of houses under Choice Based Letting. Choice Based Letting (CBL) as provided for under the Social Housing Allocation Regulations 2011 may be used for the majority of dwelling types being let by the Council. However, certain dwellings may be withheld from CBL for special and other needs.

Properties adapted for persons with a disability and those designated for older persons will not be allocated through the CBL system

In the event of an applicant expressing an interest in a CBL property, but subsequently unreasonably refusing an offer of the bid dwelling the applicant shall not for the period of 1 year be entitled to make a further application under CBL to any housing authority for the allocation of a bid dwelling.

## **Setting Aside of Properties**

Wexford Co Council may decide from time to time to set aside a number of properties in a particular scheme to a particular category or categories of applicant.

- (a) Single person households: Wexford County Council may reserve a number of vacancies arising in 2-bedroom properties for this category of applicant
- (b) Emergencies
- (c) Older persons
- (d) Persons who are homeless
- (e) Persons with disabilities/special needs
- (f) Travellers.



## **Allocation of dwellings to community groups etc.**

In the interest of good estate management, or in order to facilitate or promote the implementation of policies on Tenant Participation in estate management, the Local Authority may, as it thinks fit, allocate any dwelling to an approved residents association, community group, or other voluntary or statutory agency in order to facilitate that group in furthering its aims and objectives and in carrying out various activities for the benefit of the residents generally in the estate

## **Traveller Accommodation Programme**

Wexford Local Authorities have adopted a Traveller Accommodation Programme under the requirements of the Housing (Traveller Accommodation) Act 1998.

The Programme includes a number of housing options for fulfilling the accommodation needs of Travellers including the allocation of social housing units, and this scheme shall apply to the housing of Travellers in the same manner as to other categories of applicant.

## **Disregarding accommodation**

In applying the terms of this Scheme to a person, the Council may disregard the accommodation that the person is occupying where the Council has reason to believe he/she has deliberately or without good and sufficient reason, done or failed to do anything (other than an action or omission in good faith) in consequence of which the accommodation he/she is occupying is less suitable for his/her adequate housing than other accommodation which it would have been, or would be, reasonable for him/her to occupy.

## **Anti-social behaviour**

Under the provisions of Section 14 of the Housing (Miscellaneous Provision) Act, 1997, the Local Authority may refuse to make or defer the making of a letting of a dwelling to a person where the Authority considers that the person or any other person who may intend

to reside with them, is or has been engaged in serious anti-social behaviour, or that a letting to that person would not be in the interest of good estate management.

For this purpose, anti-social behaviour shall be as defined in the Wexford Local Authorities Strategy on Anti-Social Behaviour and where the making of a letting is deferred, such deferral shall continue until such time as the Local Authority is reasonably satisfied that that anti-social behaviour is unlikely to re-occur in the future.

Any person who illegally occupies a Local Authority dwelling will not be considered for an allocation of that or any other dwelling unless and until the occupied dwelling is surrendered to the Local Authority in the same condition as existed prior to the illegal occupation. Any person who breaks this rule will be permanently removed from the Housing list.

### **Squatting**

Where a person or household is occupying a Council property without the appropriate consent of the Council, they will not be considered for any property allocated in accordance with this scheme.

### **False Information**

An applicant who gives information which he/she knows to be false or misleading or fails to supply information which he/she knows to be material may be excluded from consideration under the scheme.

### **Pre-tenancy training**

Attendance at a pre-tenancy course is a requirement for all allocations including both parties in the case of joint applicants.

### **Good estate management**

In the interest of good estate management, the local authority will have regard to the need to sustain a balanced community. Wexford County Council will endeavour to investigate

each applicant's previous housing history and reserves the right to seek all relevant information from other Local Authorities and approved housing bodies and statutory bodies such as H.S.E., Gardai with particular reference to Anti-Social Behaviour.

### **Information Supplied to Wexford County Council**

In considering an applicant's entitlement to accommodation, the Council will require information in relation to current and previous circumstances. This may require provision of data/information by other agencies in order to assess their eligibility for accommodation. In cases where such information is not forthcoming the Council reserve the right to defer indefinitely an application for housing. Where information is supplied in support of applications the Council will undertake such enquiries as necessary, in order to verify this information from other Local Authorities, Voluntary Bodies, H.S.E. & Gardai particularly in relation to anti-social behaviour.

## **PART 4**

### **Refusal of offer of accommodation**

In the event of refusal of 2 reasonable offers of different social housing (Local Authority Stock, dwellings under RAS, leased properties or an Approved Housing Body) over a 12-month period, commencing on date of first refusal, and within areas of choice the applicant will not for the period of 1 year commencing on the date of second refusal be considered by any housing authority for the allocation of social housing support and that period shall be disregarded in calculating the period of time and/or relative priority on the list.

The refusal of an offer made under Choice Based Letting shall be disregarded as a refusal for the purpose of the refusals policy – See Choice based Letting.

## **PART 5**

### **Applications from Former Local Authority/AHB/RAS Tenants**

In relation to applications made by former Local Authority/AHB/RAS Tenants the following applies:

- (a) Where a house was abandoned, the application shall not be considered for a period of three years
- (b) Where the tenants have been evicted for the non-payment of rent or anti-social behaviour the application will not be considered for a period of three years
- (c) Where a house/tenancy was surrendered the application shall not be considered for a period of three years except in the case of permanent marriage dissolution or relationship breakdown.

The acceptance of such applications will then only be considered:

- (a) if the applicants had complied with letting agreement and they have not engaged in anti-social behaviour, subject to (b) above.
- (b) If an applicant was previously a Local Authority/AHB/RAS/HAP tenant and incurred arrears of rent for an accumulated period of 12 weeks or more in any period of three years and where the arrears have not been paid and an arrangement has not been entered into with the housing authority for the payment of the arrears or where such an agreement has not been substantially complied with, the Council may not consider the applicant for social housing supports in conjunction with Section 25 of Social Housing Assessment Regulations 2011.

Wexford Co Council may consider a household referred to in Part 5 above for the full range of social housing supports where it is satisfied that there are exceptional circumstances and to do so does not conflict with good estate management.

## **Arrears**

In relation to HAP Tenants being considered for allocation, Tenants shall provide evidence of a clear rent account. This will not entail any review of eligibility.

## **PART 6**

### **Transfer policy**

It is the policy of Wexford County Council to ensure that housing stock (all types) is used to its optimum capacity.

Towards this end, Wexford County Council may consider application for transfer from one Local Authority dwelling to another where such transfer would relieve serious overcrowding, under occupancy, in a dwelling or relieve a serious medical condition.

Wexford County Council may consider an application for transfers from existing tenants of Local Authorities, approved housing bodies or RAS tenants, who have been in occupation for a period of 2 years. The following order of priorities shall apply:-

- First priority shall be given to cases of serious overcrowding and/or medical grounds such that the allocation of alternative social housing support would improve the living conditions of the tenants.
- Second priority shall be given to transfers which in the opinion of the Local Authority will create vacancies required by the Council for re-letting to meet the special need category household types.
- Third priority shall be given to older persons wishing to surrender family type accommodation to move to specific smaller older person's accommodation.
- Applications not falling into the above categories will have a low priority and will be considered on their merits

### **Housing Assistance Payment (HAP) Tenant Transfers**

All Social Housing Support Applicants, for whom Wexford County Council is the primary authority, who enter a HAP tenancy may apply to be placed on the Council's Social Housing List.

A HAP applicant's position on the Social Housing List is determined by the length of time the person/household has been on the list. Offers of transfers from HAP to social housing will be made based on the position on the list except in cases where the housing need has been deemed to warrant special priority status.

## **Mutual exchanges**

Wexford County Council may accommodate applications for mutual exchanges of tenancies between two tenants (including exchanges from one Local Authority area/Voluntary Body to another) who have been in occupation for a period of 2 years, provided the following conditions are met in the case of each tenant:-

- (a) satisfactory tenancy record with no arrears of rent or other charges
- (b) no verified instances of anti-social behaviour in the previous 5 years.
- (c) house maintained in a satisfactory condition in accordance with the terms of the Tenancy Agreement and Tenancy Handbook.
- (d) house to which transfer is taking place is adequate in size, layout and standard of accommodation for each applicant and their dependants.(
- (e) Each tenant agrees in writing to accept the other house in its present condition in as far as any works or maintenance required is the responsibility of the tenant in accordance with (c) above.

## **Succession of tenancy**

Succession of tenancies will only occur for properties owned by Wexford County Council on the death of the tenant. In order to be eligible to succeed a tenancy, a person must:

- Be over the age of 18
- Be “Normally Resident” (residing at the property and be rent assessed there on the date of the tenant’s death, and have been rent assessed at the address for the previous two years or for an aggregate of ten years in the previous fifteen years), and
- meet the eligibility criteria for Social Housing Support

## **Restrictions**

The following restrictions will apply to Succession of Tenancy applications:

- No transfer of tenancy will be granted for properties designated as Older Person’s Accommodation.

- Where a property has been adapted to accommodate a person with a disability and the person applying does not have the need for the property in question, but would otherwise be eligible to succeed the tenancy, they may be allocated an alternative property suitable to their needs.
- No transfer of tenancy will be granted where the tenant(s) depart the property to reside elsewhere.
- Where a person who is 'Normally Resident' and is eligible applies for a transfer of tenancy of the property but does not have the bed need for a property of that size, they may be allocated an alternative property suitable to their needs.

### **Permission to Reside**

Where a Tenant wishes to include another person as an Occupant of a Council dwelling, the following will apply:

1. The Tenant and applicant must complete the relevant Application Form.
2. The property must be suitable to meet the housing needs of the household.
3. The applicant must qualify for social housing.
4. The rent account of the Tenant will be taken into consideration and an agreement entered into to clear any arrears.
5. Inclusion on the rent account does not give the Applicant a right to succeed the tenancy.
6. The applicant(s) will be subject to a Garda check prior to approval being given.

### **Appeals**

Any person who is aggrieved by the Council's decision has the right to appeal in writing to the Senior Executive Officer for Housing within 21 working days.

Nothing in this scheme shall operate to prevent the Housing Authority based on its discretion from allocating a dwelling to a person whose case is unique and has been examined on its own merits